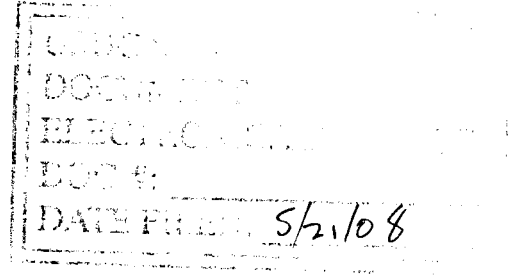


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

:

v.

:

ROBERT PFAFF,

:

Defendant.

:

:

Interim
PROTECTIVE ORDER

08 Cr. 239 (RMB)

On the application of the United States of America, by Michael J. Garcia, United States Attorney, by Stanley J. Okula, Jr., Assistant United States Attorney ("the government"),

IT IS HEREBY ORDERED, pursuant to Rule 16(d) of the Federal Rules of Criminal Procedure and pursuant to Title 26, United States Code, Section 6103(h)(4)(D), and in due consideration of the congressional policy favoring the confidentiality of returns and return information as set forth in Title 26:

1. Documents and information disclosed by the Government in discovery ("disclosed documents") shall be used by the defendant, his counsel, and counsel's agents only for purposes of preparing for and conducting the trial in this action and *United States v. Stein*, S2 05 CR 888 (LAK), and for pursuing any appeals in this action and *Stein*.

2. The following information contained within disclosed documents is "confidential information":

- a. individuals' social security numbers;
- b. individuals' street addresses;
- c. individuals' telephone numbers;
- d. tax return information; and
- e. individuals' bank and securities trading account numbers.

3. In the context of witness interviews conducted as part of the defense preparation in this matter, disclosed documents containing confidential information may be shown to the witness, provided the witness is not permitted to retain copies of such documents or take notes regarding the confidential information contained therein.

4. To the extent consistent with paragraph 1, copies of disclosed documents may be provided to (hereinafter "designated persons"):

- a. all personnel employed full-time or part-time by the defendant's attorneys and their law firms;
- b. independent expert witnesses or expert advisors retained by the defendant or his attorneys in connection with this criminal action;
- c. witnesses or witnesses' counsel, provided, however, that confidential information must be redacted from such copies; and
- d. such other persons as hereafter may be authorized by the Court upon motion by the defendant or his attorneys, provided, however, that confidential information must be redacted from such copies unless the Court specifically authorizes the disclosure of unredacted documents.

5. The defendant and his attorneys shall provide a copy of this Order to the designated persons to whom they provide copies of disclosed documents pursuant to paragraph 4. Designated persons shall be subject to the terms of this Order.

6. All documents subject to this Protective Order must be returned to the Government at such time as they are not needed in this action, at the end of the criminal proceedings, or upon Order of the Court, which ever occurs first.

7. The provisions of this Order shall not be construed as preventing the disclosure of any information in any motion, hearing, or trial held in this action or to any Judge or Magistrate Judge of this Court for purposes of this action. *

8. Nothing in this Order shall restrict the use of documents or information obtained by the defendant from a source other than the Government's discovery, provided that the defendant obtained such documents or information legally and under no obligation of confidentiality to the source. To the extent the Government's discovery contains documents that are also publicly available (without fault of the defendant), nothing in this Order shall restrict the use of such documents by the defendant notwithstanding the bates

* The Court retains discretion whether to afford confidential treatment to any Confidential Document or information contained in any Confidential Document submitted to the Court in connection with any motion, application, or proceeding that may result in an order and/or decision by the Court.

number attached to the document that demonstrates that it was produced as part of the Government's discovery in this action.

Dated: New York, New York
May 21, 2008

SO ORDERED:

RMB

The Honorable Richard M. Berman
United States District Judge

9. Defense to respond to Govt's letter
application of 5/2/08 by 5/29/08.
We can discuss at 6/2/08 conference
@ 9:15.